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Claims 2 and 22 are presently canceled.

Claims 1, 3, 4, 10-15, 18-20 and 24 are presently amended.

Claims 1, 3-20, 23 and 24 are now under consideration and are the only claims of this application.

The present claims are amended to delete subject matter relating to polyamides. The present claims are now focused on polyesters and copolyesters. Support for the term “copolyester” is inherent in claim 1. Support is also found for example in the specification, page 4, first paragraph.

Independent claim 1 is also amended to incorporate the limitations of claim 2. Claim 1 is also rearranged to make it more clear.

The claims are otherwise amended to delete the term “polyfunctional” and to properly depend on claim 1. The term “further compound” is employed in place of “polyfunctional compound”. Claim 24 is amended to have proper antecedent basis.

No new matter is added with any of the present amendments.

As per a Pre-OG Notice dated January 31, 2003, Applicants are following a revised amendment format. The text of all claims under examination are presently submitted. Only the marked-up version of the presently amended claims are submitted.

Rejection under 35 USC 112, second paragraph

Claims 2, 3, 14-17, 19 and 20 are rejected under 35 USC 112, second paragraph, for reasons of record.

The term “polyfunctional compound” is replaced with “further compound” as discussed above.

Applicants submit that the present amendments address and obviate the 35 USC 112, second paragraph rejections.

Rejections under 35 USC 102(b)

Claims 1, 4-9, 18 and 23 are rejected under 35 USC 102(b) as anticipated by Gaku ('769) and Khanna ('896).

Applicants submit that the 35 USC 102(b) rejections are addressed and are overcome with the amendments to the present claims, discussed above.

Rejections under 35 USC 103(a)

Claims 1-13, 16-20 and 22-24 are rejected under 35 USC 103(a) as obvious over EP 604367 or WO 95/35343, each in view of Gaku ('769) or Khanna ('896).

EP 604367 is directed to the molecular weight increase of polyamides by the addition of diepoxides and phosphonic acid esters or half esters. As amended claim 1 is now directed to polyesters, the limitations of the present claims cannot be met by the combination of EP 604367 with the secondary references.

Khanna '896 is aimed at blow moldable polyamide compositions comprising polyamide and one or more cyanate components. Again, as polyamides are no longer encompassed by the present claims, this reference no longer can contribute to any potential 35 USC 103(a) rejections of the present claims.

The other primary reference, WO 95/35343, discloses a process of increasing the molecular weight of a polycondensate polymer, such as a polyester.

In the "Background" section of Gaku '769, col. 1, lines 33-45, the use of thermoplastic polyesters for hot melt adhesive formulations is explained. Lines 45-64 refer to thermosetting formulations and their advantages/disadvantages.

In the "Summary of the Invention", col. 2, lines 6-15, the invention of Gaku '769 is described as follows:

Accordingly, an object of the present invention is to provide a hot melt adhesive composition comprising

(A) from 99 to 80 wt % of a thermosetting resin selected from the group consisting of a substantially amorphous thermoplastic saturated polyester resin, an ethylene-vinyl acetate copolymer and an ethylene-ethyl acrylate copolymer and (B) from 1 to 20 wt % of a monofunctional or polyfunctional cyanate ester compound having at least one cyanato group in the molecular compounded therewith.

Lines 16-21, col. 2, goes on to state that "In a preferred embodiment, a monofunctional or polyfunctional maleimide compound or a crosslinking catalyst of the thermoplastic resin (A) is used as a comodifier in an amount of from 0.1 to 5% by weight based on the weight of the hot melt adhesive composition,".

In the working Examples of Gaku '769, the adhesive layers are "bonded" for example at 180°C for 3 minutes and 5 kg/cm², at 160°C for 30 min. and 5 kg/cm², and other similar conditions. Crosslinking catalysts such as dicumyl peroxide and benzoyl peroxide are also employed.

As the disclosure of Gaku '769 is aimed at adhesive compositions that are bonded under harsh conditions and may include crosslinkers, it is clearly aimed at thermoset compositions. There is no motivation provided to those skilled in the art to employ cyanate compounds towards increasing the molecular weight of a polyester or copolyester, which polyester or copolyester remains thermoplastic.

The disclosure of Gaku '769 is not aimed at compositions that "remain in the thermoplastic state". On the contrary, as crosslinkers are included, it is aimed at thermoset compositions.

Those skilled in the art would not combine Gaku '769 with WO 95/35343 in order to solve the present problem of increasing molecular weight of a polyester while allowing it to remain

thermoplastic. Even if combined, there can be no expectation of success towards solving the present problem.

Applicants submit that in light of the present amendments and the above discussion, that the 35 USC 103(a) rejections are addressed and are overcome.

In view of all of the present amendments and discussion, Applicants submit that the 35 USC 112, second paragraph, 35 USC 102(b) and 35 USC 103(a) rejections are each addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

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Respectfully submitted,



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